

EXHIBIT B

EXHIBIT B

Chart Comparing Proposed Pretrial and Initial Trial Setting Deadlines for the St. Thomas-Related Defendants

Event	PSC's Proposal	St. Thomas Clinic Defendants' Proposal	St. Thomas Entities' Proposal
Initial Trial Pool Case selections exchanged in writing with opposing counsel	x+10 days ¹	x+15 days	x+30 days
Cases eligible for Initial Trial Pool selection	Only cases involving: (i) administration of MPA, and (ii) fungal meningitis or other fungal infections	At least one case, but not more than two cases, from each of the following major injury categories: i. Death ii. Fungal meningitis and localized fungal infection iii. Fungal meningitis only iv. Localized fungal infection only v. No disease	Representative cases from each of the following major injury categories: i. Death ii. Fungal meningitis and localized fungal infection iii. Fungal meningitis only iv. Localized fungal infection only v. No disease
Number of Initial Trial Pool Cases selected by PSC and Defendants	4 each (8 total)	8 each (16 total)	10 each (20 total)
Procedure should Defendants not agree on their collective selections	However they divide it up, Defendants collectively only get 4 picks total	Each of the two groups of Defendants get 4 picks each	Each of the two groups of Defendants get 5 picks each
Strikes	None	PSC and collective Defendants may strike 4 cases of the other side's 8 cases. If the collective Defendants cannot agree on their collective four strikes, each group of	PSC and collective Defendants may strike up to 2 cases each from the Initial Bellwether Pool for purposes of final selection for initial trials. If the collective Defendants are unable

¹ Throughout this chart, "x" indicates the date of the entry of the Court's order setting the Pretrial and Initial Trial Schedule for the St. Thomas-related Defendants. Thus "x+10" indicates a deadline 10 days after the entry of the Court's order.

EXHIBIT B

Chart Comparing Proposed Pretrial and Initial Trial Setting Deadlines for the St. Thomas-Related Defendants

		<p>Defendants shall be entitled to 2 strikes.</p> <p>Deadline for striking cases is within x+__² days.</p>	<p>to agree on their collective 2 strikes, each group gets one strike.</p> <p>Deadline for notifying opposing party of strikes is within 15 days after the completion of Limited Case Specific discovery for the Initial Bellwether Pool. (i.e. x+135)</p>
Procedure for adding additional cases (to get to total number of Initial Trial Pool cases) should the same case appears on both parties' lists (thus resulting in duplicate cases in the full list)	<p>Oldest duplicate Case (based on filing date) replaced by PSC pick; Next oldest duplicate case replaced by Defendants; And so on in alternating turns until all duplicates have been resolved and a full list achieved</p>	<p>Duplicate case(s) will automatically become one of the first four (4) cases set for trial.</p> <p>Deadline for choosing replacements is within x+__³ days.</p>	<p>Oldest duplicate Case (based on filing date) replaced by PSC pick; Next oldest duplicate case replaced by Defendants; And so on in alternating turns until all duplicates have been resolved and a full list achieved</p>
Deadline for Parties to file Notice of Position on Venue and <i>Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach</i>	x+15 days	x+15 days	x+15 days
Limits on Case-Specific Discovery	No limitation.	No Case-Specific discovery on Initial Pool Cases.	<p>For each Initial Bellwether Pool case:</p> <p>i. 10 Interrogatories</p> <p>ii. 15 requests for production</p> <p>iii. 30 requests for admission</p> <p>iv. Depositions of the</p>

² This deadline was left blank in the draft proposal provided to the PSC last week.

³ This deadline was left blank in the draft proposal provided to the PSC last week.

EXHIBIT B

Chart Comparing Proposed Pretrial and Initial Trial Setting Deadlines for the St. Thomas-Related Defendants

			named plaintiffs, consortium plaintiffs, and treating physicians
Parties shall complete all Case-Specific fact discovery for Initial Trial Pool cases	08/01/2015	No date, because proposal does not provide for Case-Specific discovery until after first 4 trial cases selected.	Completion of Limited Case-Specific discovery within x+120 days. (Additional case-specific fact discovery permitted after selection of trial cases.)
Meet & Confer re proposed order for trial selections	No date.	No date.	Within 30 days after the completion of Case Specific discovery for the Initial Bellwether Pool (x+150)
Parties' submissions re the order in which the eight Initial Trial Pool Cases should be tried and/or remanded	By 08/15/2015, Parties file submissions re order in which the 8 Initial Trial Pool Cases should be tried and/or remanded, along with briefs (5pg max), with reason for selections and order.	If the parties can't agree, Parties file separate submissions re order in which the first 4 of the 8 remaining cases should be tried and/or remanded, along with briefs (10 pg. max) with reason for selections and order, within x+__ ⁴ days.	If parties can agree, submit agreed-upon list of 4 recommended trial selections within 45 days after the completion of Case Specific discovery for Pool (x+165). If parties unable to agree on 4 cases to recommend, parties submit separate recommendations of 4 cases each, along with the reasons for the selections, in position papers within 45 days after the completion of Case Specific discovery Pool (x+165)
Selection of Initial	Court will select the	If Parties cannot agree,	The Court will select 4

⁴ This deadline was left blank in the draft proposal provided to the PSC last week.

EXHIBIT B

Chart Comparing Proposed Pretrial and Initial Trial Setting Deadlines for the St. Thomas-Related Defendants

Trial cases and order of trials	order in which the Initial Trial Pool Cases will be tried and/or remanded, and designate the first 2 cases to be tried and/or remanded, by 09/01/2015	Court will select the order in which the first 4 cases will be tried and/or remanded.	Bellwether Trial Cases and establish the order in which these cases should be tried.
Additional Case-Specific Fact Discovery	None. All should have been completed by 8/1/15.	<p>All Case-specific written discovery will be issued within 21 days of selection of the Bellwether Trial/First Four Trial Cases.</p> <p>Responses to written discovery will be due 45 days from service.</p> <p>Any Case-specific fact witness depositions will be completed within 90 days of selection of the Bellwether Trial/First Four Trial Cases.</p>	<p>Any additional Case-specific written discovery not completed during the Initial Bellwether Pool period will be issued within 21 days of selection of the Bellwether Trial/First Four Trial Cases.</p> <p>Responses to written discovery will be due 45 days from service.</p> <p>Any additional Case-specific fact witness depositions not completed during the Initial Bellwether Pool period will be completed within 90 days of selection of the Bellwether Trial/First Four Trial Cases.</p>
Case-Specific Expert Disclosure Deadlines	By 09/10/2015, Parties shall disclose experts who will testify as to Case-Specific Issues for the First Two Trial Case Picks along with at least three proposed deposition dates for each expert.	Within 30 days of completion of Case-Specific Fact Discovery, PSC will disclose experts to testify as to Case-Specific Issues for the Bellwether Trial/First Four Trial Cases, along with at least three	Within 30 days of completion of Case-Specific Fact Discovery, PSC will disclose experts to testify as to Case-Specific Issues for the Bellwether Trial/First Four Trial Cases, along with at least three

EXHIBIT B

Chart Comparing Proposed Pretrial and Initial Trial Setting Deadlines for the St. Thomas-Related Defendants

	By 09/24/2015, Parties shall disclose rebuttal Case-Specific Experts for the First Two Trial Case Picks.	proposed deposition dates for the experts. Within 60 days of completion of Case-Specific Fact Discovery, Defendants will disclose Case-Specific Experts for the Bellwether Trial/First Four Trial Cases, along with at least three proposed deposition dates for the experts.	proposed deposition dates for the experts. Within 60 days of completion of Case-Specific Fact Discovery, Defendants will disclose Case-Specific Experts for the Bellwether Trial/First Four Trial Cases, along with at least three proposed deposition dates for the experts.
Depositions of Case-Specific Experts	By 10/30/2015, Parties shall complete depositions of Case-Specific Issues experts (which will begin after rebuttal reports, if any, are served)	Depositions of Case-Specific experts will begin after Defendants' expert reports are served and shall be completed within 90 days of service of Defendants' expert reports.	Depositions of Case-Specific experts will begin after Defendants' expert reports are served and shall be completed within 90 days of service of Defendants' expert reports.
Case-Specific dispositive motions and <i>Daubert</i> motions	Filed by 11/06/2015	Within 60 days of completion of Case-Specific Expert Discovery	Within 60 days of completion of Case-Specific Expert Discovery
Oppositions to Case-Specific dispositive motions and <i>Daubert</i> motions	Filed by 11/20/2015	Within 30 days of filing of motion	Within 30 days of filing of motion
Replies to Case-Specific dispositive motions and <i>Daubert</i> motions	Filed by 12/02/2015	Within 14 days of filing of opposition	Within 14 days of filing of opposition
Hearings on case-specific dispositive motions and <i>Daubert</i> motions	Set by separate order	Set by separate order	Set by separate order
Cases shall be trial-ready	12/14/2015	12/1/2016	12/1/2016

EXHIBIT B

**Chart Comparing Proposed Pretrial and Initial Trial Setting Deadlines for the St. Thomas-
Related Defendants**